

10/15/01

JC860 U.S. PTO

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PTO/SB/05 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

Attorney Docket No. 030727.0027.CON1

First Inventor Mark D. Erion

Title NOVEL PRODRUGS FOR PHOSPHORUS-  
CONTAINING COMPOUNDS

(Only for new nonprovisional applications under 37 CFR 1.53(b)) Express Mail Label No. EL675946213US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification (preferred arrangement set forth below) [Total Pages 232]  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. Oath or Declaration [Total Pages 2]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in  
the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/392,352

Prior application information: Examiner D. Jones Group Art Unit: 1619

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code Label 23865 or ☒ Correspondence address below  
(Insert Customer No. or Attach bar code label here)

|         |                                 |           |              |          |              |
|---------|---------------------------------|-----------|--------------|----------|--------------|
| Name    | Lisa M. McGeehan                |           |              |          |              |
| Address | Brobeck, Phleger & Harrison LLP |           |              |          |              |
|         | 12390 El Camino Real            |           |              |          |              |
| City    | San Diego                       | State     | CA           | Zip Code | 92130-2081   |
| Country | USA                             | Telephone | 858-720-2500 | Fax      | 858-720-2555 |

|                   |                         |                                   |          |
|-------------------|-------------------------|-----------------------------------|----------|
| Name (Print/Type) | Lisa M. McGeehan        | Registration No. (Attorney/Agent) | 41,185   |
| Signature         | <i>Lisa M. McGeehan</i> | Date                              | 10/15/01 |

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JC986 U.S. PTO  
09/978454  
10/15/01

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$780.00)

## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | To be assigned   |
| Filing Date          | Herewith         |
| First Named Inventor | Mark D. Erion    |
| Examiner Name        | To be assigned   |
| Group Art Unit       | To be assigned   |
| Attorney Docket No.  | 030727.0027.CON1 |

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-1273

Deposit  
Account  
Name

Brobeck, Phleger &amp; Harrison LLP

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See  
37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description        | Fee Paid          |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|-------------------|
| 101                  | 710                   | 201                  | 355                   | Utility filing fee     | 740.00            |
| 106                  | 320                   | 206                  | 160                   | Design filing fee      |                   |
| 107                  | 490                   | 207                  | 245                   | Plant filing fee       |                   |
| 108                  | 710                   | 208                  | 355                   | Reissue filing fee     |                   |
| 114                  | 150                   | 214                  | 75                    | Provisional filing fee |                   |
| <b>SUBTOTAL (1)</b>  |                       |                      |                       |                        | <b>(\$740.00)</b> |

## 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 1                  | -20** = 0    | X              |          |
| Independent Claims | -3** =       | X              |          |
| Multiple Dependent |              |                |          |

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103                  | 18                    | 203                  | 9                     | Claims in excess of 20                                     |
| 102                  | 80                    | 202                  | 40                    | Independent claims in excess of 3                          |
| 104                  | 270                   | 204                  | 135                   | Multiple dependent claim, if not paid                      |
| 109                  | 80                    | 209                  | 40                    | ** Reissue independent claims over original patent         |
| 110                  | 18                    | 210                  | 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

| Large<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 105                  | 130                   | 205                  | 65                    | Surcharge - late filing fee or oath  |          |
| 127                  | 50                    | 227                  | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                  | 130                   | 139                  | 130                   | Non-English specification  |          |
| 147                  | 2,520                 | 147                  | 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112                  | 920*                  | 112                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 113                  | 1,840*                | 113                  | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 115                  | 110                   | 215                  | 55                    | Extension for reply within first month                                     |          |
| 116                  | 390                   | 216                  | 195                   | Extension for reply within second month                                    |          |
| 117                  | 890                   | 217                  | 445                   | Extension for reply within third month                                     |          |
| 118                  | 1,390                 | 218                  | 695                   | Extension for reply within fourth month                                    |          |
| 128                  | 1,890                 | 228                  | 945                   | Extension for reply within fifth month                                     |          |
| 119                  | 310                   | 219                  | 155                   | Notice of Appeal   |          |
| 120                  | 310                   | 220                  | 155                   | Filing a brief in support of an appeal                                     |          |
| 121                  | 270                   | 221                  | 135                   | Request for oral hearing   |          |
| 138                  | 1,510                 | 138                  | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140                  | 110                   | 240                  | 55                    | Petition to revive - unavoidable   |          |
| 141                  | 1,240                 | 241                  | 620                   | Petition to revive - unintentional   |          |
| 142                  | 1,240                 | 242                  | 620                   | Utility issue fee (or reissue)   |          |
| 143                  | 440                   | 243                  | 220                   | Design issue fee   |          |
| 144                  | 600                   | 244                  | 300                   | Plant issue fee  |          |
| 122                  | 130                   | 122                  | 130                   | Petitions to the Commissioner  |          |
| 123                  | 50                    | 123                  | 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 126                  | 180                   | 126                  | 180                   | Submission of Information Disclosure Stmt                                  |          |
| 581                  | 40                    | 581                  | 40                    | Recording each patent assignment per property (times number of properties) | 40.00    |
| 146                  | 710                   | 246                  | 355                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                  | 710                   | 249                  | 355                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179                  | 710                   | 279                  | 355                   | Request for Continued Examination (RCE)                                    |          |
| 169                  | 900                   | 169                  | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$40.00)

## SUBMITTED BY

## Complete (if applicable)

|                   |                         |                                      |          |           |                |
|-------------------|-------------------------|--------------------------------------|----------|-----------|----------------|
| Name (Print/Type) | Lisa M. McGeehan        | Registration No.<br>(Attorney/Agent) | 41,185   | Telephone | (858) 720-2500 |
| Signature         | <i>Lisa M. McGeehan</i> | Date                                 | 10/15/01 |           |                |

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CONTINUATION APPLICATION

UNDER 37 CFR § 1.53(b)

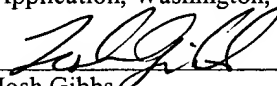
TITLE: NOVEL PRODRUGS FOR PHOSPHORUS-CONTAINING COMPOUNDS

APPLICANT(S): ERION, MARK D.; REDDY, K. RAJA; ROBINSON, EDWARD D.; UGARKAR, BHEEMARAO G.

Correspondence Enclosed:

Utility Application Transmittal Sheet and FY 2001 Fee Transmittal Sheet (2pgs); Description (179pgs); Claims (51pgs); Abstract (2pgs); Drawings Figure 1 (1 sheet); Preliminary Amendment (2pgs); Copy of Declaration from parent Application Serial No. 09/392,352 (2pgs); Recordation Form Cover Sheet (1pg); Assignment (12pgs); Check in the amount of \$780.00; and Return Postcard.

"EXPRESS MAIL" Mailing Label Number EL675946213US Date of Deposit October 15, 2001 I hereby certify under 37 CFR § 1.10 that this correspondence (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

  
Josh Gibbs